

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IDA TUCKER, Plaintiff,)	
)	
)	Case No.: 07 C 6449
)	
v.)	Judge: Andersen
)	
WHELAN SECURITY OF ILLINOIS, INC., and WHELAN SECURITY COMPANY, and FRED ROGERS, Defendants.)	Magistrate Judge: Keys
)	
)	
)	

PLAINTIFF'S RULE 36 MOTION TO DETERMINE THE SUFFICIENCY OF
DEFENDANTS WHELAN SECURITY CO.'S AND WHELAN SECURITY OF ILLINOIS'
RESPONSES TO REQUESTS TO ADMIT FACTS

NOW COMES Plaintiff, Ida Tucker, by her undersigned attorney, and for her motion to determine the sufficiency of Defendants', Whelan Security Company and Whelan Security of Illinois ("Whelan Defendants"), responses to Ida Tucker's first set of requests to admit facts, states as follows:

1. That on January 15, 2008, Plaintiff properly served Whelan Defendants with Ida Tucker's First Set of Requests to Admit Facts.
2. That on February 13, 2008, Defendant Whelan Security Company responded to Ida Tucker's First Set of Requests to Admit Facts.
3. That on February 13, 2008, Defendant Whelan Security of Illinois responded to Ida Tucker's First Set of Requests to Admit Facts.
4. That on February 14, 2008, Plaintiff's counsel sent Whelan Defendants' counsel a letter requesting that Whelan Defendants amend their responses to Plaintiff's first set of requests to admit facts.
5. That on February 22, 2008, Whelan Defendants' counsel sent Plaintiff's counsel a letter stating that their responses to Requests to Admit were sufficient.
6. That on July 8, 2008, Plaintiff's counsel sent Whelan Defendants' counsel a second letter requesting that Whelan Defendants amend their responses to Plaintiff's first set of requests to admit facts.

7. That on July 15, 2008, Whelan Defendants' counsel sent Plaintiff's counsel a letter in response again stating that their answers were sufficient.

8. That on July 18, 2008, Plaintiff's counsel had a telephone conversation with Whelan Defendants' counsel once again requesting that they amend their responses to Plaintiff's first set of requests to admit facts.

9. That Fed. R. Civ. P. 36(a) requires that the responding party state that it lacks sufficient information to either admit or deny the statement, however it does not allow for a party to both state that it lacks sufficient information to either admit or deny and also deny the request to admit. The rule states "the answering party may assert lack of knowledge or information *as a reason for failing to admit or deny* only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny" (emphasis added).

10. That some of Whelan Defendants' responses employ oxymoronic language that attempts to both express that Whelan Defendants lack sufficient information to respond to the request to admit, while also denying the truth of the same.

WHEREFORE, Plaintiff prays for an order requesting this Honorable Court to strike responses as insufficient or deem them to be unequivocal admissions, and grant such other relief as this Honorable Court deems appropriate.

Respectfully submitted,
Ida Tucker

s/ Uche O. Asonye
One of Her Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 21st day of July, 2008, I served a true and accurate copy of the foregoing *Plaintiff's Motion to Determine Sufficiency of Defendants Whelan Security Co.'s and Whelan Security of Illinois' Responses to Requests to Admit* upon the following by electronically filing it with the Clerk of the Court by using the CM/ECF system, which will send notification of such filing to the following:

Alisa B. Arnoff, Esq.
Scalambrino & Arnoff, LLP
1 North LaSalle Street, Suite 1600
Chicago, Illinois 60602

Respectfully Submitted,
Ida Tucker,

By: s/ Uche O. Asonye
One of Her Attorneys

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